REMARKS

Claim Rejection – 35 USC 101

Claims 5 and 6 have been rejected under 35 USC 101 as directed to non-statutory subject matter. The rejection is respectfully traversed. Claims 5 and 6 are directly tied to a particular machine or apparatus (e.g. a computer), and therefore recite patentable subject matter under 35 USC 101. More specifically, the claims are not directed to computer software *per se* but rather to computer software executable by a computer (the machine or apparatus). *In re Bilski* does not prohibit this type of claim, and to the contrary, indicates that such a claim is indeed patentable subject matter.

Claim Rejection – 35 USC 103

Claims 1-6 have been rejected under 35 U.S.C. §103(a) as unpatentable over Shimoosawa in view of newly cited Appelman. The rejection is respectfully traversed.

The present invention discloses a method and a computer for establishing a real-time communications connection between a first and second subscriber of a telecommunications network. Hence, the address (e.g. telephone number) assigned the second subscriber in the telecommunications network is inserted into an object, which is created at the second subscriber side of the telecommunications network, for use on a computer. This object is transferred to the first subscriber and stored on his/her computer. The address assigned to the second subscriber and stored in the object can be read out with the help of a function which can be activated by the first subscriber. The real-time communications connection between the first and second subscriber is established with the help of the address, which is added as an attribute to the content of the object.

Of significance in the invention, a real-time communications connection (as recited in the amended claims) between the first and second subscriber can be set up automatically. The second subscriber can be, for example, the author of the object (e.g. a document sent by email, etc.). The address (e.g. telephone number) is inserted as an attribute in the object. This object is then transferred to the first subscriber, for example via email, via data-media or via download from the Internet, and it may be stored on the computer of the first subscriber. In the event the first subscriber wishes to establish a real-time communications connection to the second

subscriber, he/she activates a function which reads out the address for the attribute in the object. The address is then used to establish automatically the connection- in this case a real-time connection, such as voice or multimedia.

Shimoosawa discloses an electric mail transferring apparatus and method, which is capable of effectively transferring the electric mail in accordance with the performance and environment of an apparatus used in a transfer destination. Hence, a facsimile apparatus equipped with an email apparatus is used, which allows for the set up of calls. The email apparatus can be used to send and to receive email. In the event an email is received, the header is analyzed and the sender ID obtained thereby. The sender ID is then used to find transfer determination information. It is then determined whether an appended file must be deleted from the email. The deleted file can be decoded and stored, and transferred to the transfer destination found in the transfer determination information (see, for example, col. 7, ln. 5 – col. 9, ln. 50).

The applied reference, however, fails to disclose a real-time communications (as admitted by the Examiner) connection between two subscribers which is triggered by an attribute inserted into an object which has been created on the second subscriber side, as required by the claimed invention. Rather, Shimoosawa discloses a method in which a received email is analyzed for a sender ID. Corresponding to this sender ID, a transfer destination information (e.g. telephone number, email address, etc) is defined and additionally checked to determine whether a file is appended in the email. In the event a file is appended, it may be deleted from the email and stored, etc. Then a transferring mail which includes the received email, form which the appended file was deleted, and into which information about the deleted files was inserted, is generated. This mail is that transferred to a designated destination. Moreover, Shimoosawa discloses means for forwarding a received email by alternative communication means, but does not provide automated means of establishing a communication connection back to the originator of the object comprising the address information. For example, an electronic business card or advertisement including the address information of the advertising company.

In summary, Shimoosawa discloses an email receiving unit that periodically accesses an email server. Upon reception of an email, a header portion of the email is analyzed by obtaining a send email address. A transfer management table stored locally with the facsimile apparatus is checked to determine whether the email needs to be transferred to another address which may

need conversion in to a different forma (see, Fig. 4). In the claimed invention, on the other hand, an object is conveyed in which the object comprises an address of the second subscriber to be utilized for establishing a real-time communications connection from the receiving instance (first subscriber) to the second subscriber. There is no look-up table (transfer management table) required. Moreover, the invention is directed toward establishment of a real-time communications connection, whereas the applied reference is directed toward forwarding (transferring) data packets.

Additionally, in the claimed invention, an address assigned to the second subscriber is inserted into the object created at the second subscriber side. In the context of the invention, the skilled artisan clearly understands the term "object." As an example, referring for example to Fig. 1 and the related description, an object is of a type x, which may consist of text and include attributes suitable for setting up a connection. There is no such "object" in the applied reference. Rather, the reference discloses an email created by a user which includes an address (the header portion of the email) which defines where the email is to be send. That is, the address is part of the email, not assigned to an object (see, col. 4, lns. 57-49). The address is therefore not inserted into the object at the second subscriber side, as required by the claimed invention.

Even assuming aguendo that the an address is assigned to an object, the address assigned to the second subscriber is not read out from the object, as required by the claimed invention. While the e-mail (i.e. contents of the message) may be read, the address assigned to the object is not being read/determined. Moreover, the claimed invention does not refer to e-mail, as previously noted.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 118744-169.

Respectfully submitted,
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